

Effective 5/10/2016

17C-5-104 Process for adopting a community reinvestment project area plan -- Prerequisites -- Restrictions.

- (1) An agency may not propose a community reinvestment project area plan unless the community in which the proposed community reinvestment project area plan is located:
 - (a) has a planning commission; and
 - (b) has adopted a general plan under:
 - (i) if the community is a municipality, Title 10, Chapter 9a, Part 4, General Plan; or
 - (ii) if the community is a county, Title 17, Chapter 27a, Part 4, General Plan.
- (2)
 - (a) Before an agency may adopt a proposed community reinvestment project area plan, the agency shall make a blight determination in accordance with Section 17C-5-402 if the agency anticipates an activity described in Subsection 17C-5-402(1) for which a blight determination is required.
 - (b) If applicable, an agency may not approve a community reinvestment project area plan more than one year after the adoption of a resolution making a finding of blight under Section 17C-5-402.
- (3) To adopt a community reinvestment project area plan, an agency shall:
 - (a) prepare a proposed community reinvestment project area plan in accordance with Section 17C-5-105;
 - (b) make the proposed community reinvestment project area plan available to the public at the agency's office during normal business hours for at least 30 days before the plan hearing described in Subsection (3)(e);
 - (c) before holding the plan hearing described in Subsection (3)(e), provide an opportunity for the State Board of Education and each taxing entity that levies or imposes a tax within the proposed community reinvestment project area to consult with the agency regarding the proposed community reinvestment project area plan;
 - (d) provide notice of the plan hearing in accordance with Chapter 1, Part 8, Hearing and Notice Requirements;
 - (e) hold a plan hearing on the proposed community reinvestment project area plan and, at the plan hearing:
 - (i) allow public comment on:
 - (A) the proposed community reinvestment project area plan; and
 - (B) whether the agency should revise, approve, or reject the proposed community reinvestment project area plan; and
 - (ii) receive all written and oral objections to the proposed community reinvestment project area plan; and
 - (f) following the plan hearing described in Subsection (3)(e), or at a subsequent agency meeting:
 - (i) consider:
 - (A) the oral and written objections to the proposed community reinvestment project area plan and evidence and testimony for and against adoption of the proposed community reinvestment project area plan; and
 - (B) whether to revise, approve, or reject the proposed community reinvestment project area plan;
 - (ii) adopt a resolution in accordance with Section 17C-5-108 that approves the proposed community reinvestment project area plan, with or without revisions, as the community reinvestment project area plan; and

- (iii) submit the community reinvestment project area plan to the community legislative body for adoption.
- (4)
 - (a) Except as provided in Subsection (4)(b), an agency may not modify a proposed community reinvestment project area plan to add a parcel to the proposed community reinvestment project area unless the agency holds a plan hearing to consider the addition and gives notice of the plan hearing in accordance with Chapter 1, Part 8, Hearing and Notice Requirements.
 - (b) The notice and hearing requirements described in Subsection (4)(a) do not apply to a proposed community reinvestment project area plan being modified to add a parcel to the proposed community reinvestment project area if:
 - (i) the parcel is contiguous to one or more parcels already included in the proposed community reinvestment project area under the proposed community reinvestment project area plan;
 - (ii) the record owner of the parcel consents to adding the parcel to the proposed community reinvestment project area; and
 - (iii) the parcel is located within the survey area.

Enacted by Chapter 350, 2016 General Session